

HOUSE BILL 864

By Chism

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, relative to nurses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-116, is amended by deleting the section and substituting the following:

(a) A person commits assault against a first responder or nurse, who is discharging or attempting to discharge the first responder's or nurse's official duties, who:

(1) Knowingly causes bodily injury to a first responder or nurse; or

(2) Knowingly causes physical contact with a first responder or nurse and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of a first responder or nurse.

(b) A person commits aggravated assault against a first responder or nurse, who is discharging or attempting to discharge the first responder or nurse's official duties, who knowingly commits an assault under subsection (a), and the assault:

(1) Results in serious bodily injury to the first responder or nurse;

(2) Results in the death of the first responder or nurse;

(3) Involved the use or display of a deadly weapon; or

(4) Involved strangulation or attempted strangulation.

(c)

(1) Assault under subsection (a) is a Class A misdemeanor, and shall be punished by a mandatory fine of five thousand dollars (\$5,000) and a mandatory

minimum sentence of thirty (30) days incarceration. The defendant is not eligible for release from confinement until the defendant has served the entire thirty-day mandatory minimum sentence.

(2) Aggravated assault under subsection (b) is a Class C felony, and is punished by a mandatory fine of fifteen thousand dollars (\$15,000) and a mandatory minimum sentence of ninety (90) days incarceration. The defendant is not eligible for release from confinement until the defendant has served the entire ninety-day mandatory minimum sentence.

(d) For purposes of this section:

(1) "First responder":

(A) Means a firefighter, emergency services personnel, POST-certified law enforcement officer, or other person who responds to calls for emergency assistance from a 911 call; and

(B) Includes capitol police officers, Tennessee highway patrol officers, Tennessee bureau of investigation agents, Tennessee wildlife resources agency officers, and park rangers employed by the division of parks and recreation in the department of environment and conservation; and

(2) "Nurse" means a person who is licensed, registered, or certificated under title 63, chapter 7.

SECTION 2. This act shall take effect July 1, 2021, the public welfare requiring it, and applies to prohibited acts committed on or after that date.